

1st Sub. S.B. 176

CONTACT LENS CONSUMER PROTECTION ACT

SENATE FLOOR AMENDMENTS

AMENDMENT 3

FEBRUARY 20, 2006 8:05 AM

Senator **Curtis S. Bramble** proposes the following amendments:

1. *Page 1, Lines 23 through 24:*

23 made available to all prescribers; =
provides for manufacturer's conduct;
24 ▶ provides prohibitions; and

2. *Page 2, Line 56 through Page 3, Line 62:*

56 retailer, pharmacy, buying club, department store, or mass merchandise outlet, without regard
57 to whether it is associated with a prescriber **, unless the account meets the definition of a competitor as**
provided for in this section .

58 (2) "Brand" means manufacturer's brand or equivalent brand of the same lens made by
59 the same manufacturer under federal law. =

(3) "Competitor " means an entity that manufactures contact lenses and wholesales those lenses in
direct competition with any other manufacturer within the state.

60 { ~~(3)~~ } **(4)** "Manufacturer" means a manufacturer, its parents, subsidiaries, affiliates,
61 successors, and assigns.

62 { ~~(4)~~ } **(5)** "Prescriber" means an individual licensed or authorized to prescribe contact

3. *Page 3, Lines 68 through 69:*

68 that brand to the same patient or have a financial or legal relationship with any other person **or entity**
69 who sells the brand to the same patient.

4. *Page 4, Lines 106 through 116:*

106 discriminate based on whether the { ~~channel of trade~~ } **account** is directly or indirectly affiliated with
a
107 prescriber.

108 (2) Subject to the limitation of Subsection (1), nothing in Sections 58-16a-905 and
109 58-16a-906 is intended to require a manufacturer to: =

(a) sell to a competitor;

110 { ~~(a)~~ } **(b)** sell contact lenses to different contact lens distributors or customers at the same
111 price;

112 { ~~(b)~~ } **(c)** open or maintain any account for a contact lens seller found to be in violation of

113 applicable state and federal laws regarding the sale of contact lenses;
114 ~~{(c)}~~ (d) decide whether ~~{its}~~ a low volume account with a contact lens seller is a
direct account or handled
115 through a distributor; or
116 ~~{(d)}~~ (e) sell lenses that are being test marketed on a limited basis in one geographic area